Docket No. RSW920030230US1 (7161-127U)   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of   :   Customer Number: 46320
                                        :
Erik BURCKART, et al.   :   Confirmation Number: 6713
                                        :
Application No.: 10/717,007   :   Group Art Unit: 2194
                                        :
Filed: November 19, 2003   :   Examiner: V. Nguyen
                                        :
For: UNOBTRUSIVE PORT AND PROTOCOL SHARING AMONG SERVER
      PROCESSES

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

        The following remarks are submitted in response to the Notification of Non-Compliant

Appeal Brief dated May 13, 2008 (hereinafter the First Notice).

REMARKS

Appellants have attached hereto a replacement Summary of Claimed Subject Matter. With regard to the Examiner's comments on page 2 of the Notice, Appellants note that the Summary of the Claimed Subject Matter is a <u>summary</u>, which contains a <u>concise</u> explanation of the subject matter defined in each of the independent claims. The purpose of the <u>summary</u> is not to explain the claims in detail but to <u>summarize</u> the claims. As such, the Examiner's request as to additional explanation is not supported by 37 C.F.R. § 41.37(c)(1)(v).

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: May 20, 2008   Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
Steven M. Greenberg
Registration No. 44,725
Phone: (561) 922-3845
CUSTOMER NUMBER 46320

V. SUMMARY OF CLAIMED SUBJECT MATTER

Referring to Fig.1 and also to independent claim 1, a system for port and protocol sharing is disclosed. The system includes a layered hierarchy of application processes 150, 155, 165 and protocols 140, 175 (lines 6-12 of paragraph [0021], an interlayer communications process, and a communication layer 130. The interlayer communications process 135, 145, 170 is disposed between each layer in the layered hierarchy (lines 8-11 of paragraph [0020]). The communications layer 130 is programmed to moderate access by all of the application processes 150, 155, 165 and protocols 140, 175 in the layered hierarchy to a single logical port 125 (lines 4-9 of paragraph [0020]).

Referring to Figs. 1 and 2 and also to independent claim 7, in a hierarchy of layered applications and corresponding protocols, a port and protocol sharing method is disclosed. Traffic is received over a single shared logical port 125 and the traffic is routed to an interlayer communications process 135, 145, 170 disposed between two layers in the hierarchy (lines 8-11 of paragraph [0020]). A particular application/protocol layer is selected in a higher one of the two layers to which the traffic is to be routed, and the traffic is routed to the selected particular application/protocol layer (lines 4-6 of paragraph [0009]).

Referring to Figs. 1 and 2 and also to independent claim 14, a machine readable storage having stored thereon a computer program for port and protocol sharing in a hierarchy of layered applications and corresponding protocols is disclosed. The computer program comprises a routine set of instructions which when executed cause the machine to perform the following steps. Traffic is received over a single shared logical port 125 and the traffic is routed to an interlayer communications process 135, 145, 170 disposed between two layers in the hierarchy

(lines 8-11 of paragraph [0020]). A particular application/protocol layer is selected in a higher one of the two layers to which the traffic is to be routed, and the traffic is routed to the selected particular application/protocol layer (lines 4-6 of paragraph [0009]).

Referring to Figs. 2 and 3 and also to independent claim 11, a method for augmenting a hierarchy of layered applications and corresponding protocols is disclosed. A discrimination algorithm 220 is applied to a selection process in which a particular application/protocol layer 230 in a listing 250 of adjacent application/protocol layers 230A, 230B is selected to receive traffic flowing through the hierarchy (lines 4-7 of paragraph [0028]). In block 310, a new application/protocol layer 230C is inserted adjacent to the particular application/protocol layer 230B in the hierarchy (lines 5-8 of paragraph [0031]). In block 330, the new application/protocol layer 230C to added the listing 250 (lines 3-6 of paragraph [0031]). In block 340, the discrimination algorithm 220 is replaced with another discrimination algorithm programmed to consider the new application/protocol layer 230C during the selection process (lines 6-11 of paragraph [0032]).

Referring to Figs. 2 and 3 and also to independent claim 18, a machine readable storage having stored thereon a computer program for augmenting a hierarchy of layered applications and corresponding protocols is disclosed. The computer program comprises a routine set of instructions which when executed cause the machine to perform the following steps. A discrimination algorithm 220 is applied to a selection process in which a particular application/protocol layer 230 in a listing 250 of adjacent application/protocol layers 230A, 230B is selected to receive traffic flowing through the hierarchy (lines 4-7 of paragraph [0028]). In block 310, a new application/protocol layer 230C is inserted adjacent to the particular application/protocol layer 230B in the hierarchy (lines 5-8 of paragraph [0031]). In block 330,

the new application/protocol layer 230C to added the listing 250 (lines 3-6 of paragraph [0031]). In block 340, the discrimination algorithm 220 is replaced with another discrimination algorithm programmed to consider the new application/protocol layer 230C during the selection process (lines 6-11 of paragraph [0032]).